

Curtice & Branches Intercounty Drain
Intercounty Drain Drainage Board Meeting Minutes
Friday, August 12, 2022

The Drainage Board for the Curtice & Branches Intercounty Drain met at the office of the Midland County Drain Commissioner, 220 W. Ellsworth St., Midland, Michigan at 1:00 p.m. on Friday, August 12, 2022.

Present: Mike Gregg, MDARD, Chairman
Joe Sova, Midland County Drain Commissioner
Lucy Zeestraten, Gladwin County Deputy Drain Commissioner (on behalf of Terry Walters)

Also Present: Norma Stuart, Midland County Deputy Drain Commissioner
Nick Czerwinski – Spicer Group
Christian Valesano – Spicer Group
Jim Davis, MDOT
Tonya Lewandowski, ECT (via phone)
Joe Brezvai, MDARD

Chairman Gregg called the meeting to order at 1:34 p.m.

Lucy Zeestraten made a motion to elect Midland County to serve as secretary, seconded by Joe Sova.
Motion carried.

Sova moved to approve the agenda with a change to show Zeestraten in place of Terry Walters. Zeestraten seconded the motion.
Motion carried.

Zeestraten made a motion to accept and file the minutes from June 29, 2022. Sova seconded the motion.
Motion carried.

Discussion on testimony from the Hearing of Necessity ensued. Nick Czerwinski explained that extensive discussions with a few landowners took place after that meeting. In the lower end of the drain there are 2 crossings that are close to each other, about ½ mile downstream of Baker Rd. The first crossing is on the property owned by Cindy Mikulin, it is an old concrete bridge that had collapsed at least 40 years ago. It has been treated as an obstruction in the drain, so it is being removed and not replaced. The Board had the consensus that a crossing can be installed, but that the landowner would be responsible for the cost of the crossing and the EGLE permit. Czerwinski stated that a footbridge (does not require an EGLE permit), Rockford, or culvert can be installed, but that the landowner would be responsible for the cost and any permit required by EGLE.

The second crossing (made up of multiple culverts and tubes on the Ted Perkins property) is used to get back to food plots by using an ATV, so a footbridge is not appropriate, nor is a low flow culvert. Czerwinski believes that a supplemental benefit for anything more than a footbridge would be appropriate, but it is considered a crossing at this time, so it needs to be replaced. Chairman Gregg suggested doing the same thing for Perkins that is being offered to Mikulin. Sova will talk to the landowner along with Czerwinski to present the options.

Czerwinski then spoke about Mike Heilig and the issue of the trees on both sides of the drain being cut down. He thinks he owns both sides of the drain, but the land records show the drain is the property line. He owns the east side of the drain. Sova asked how to get this resolved. Czerwinski thinks more research on the tax parcel number and get the actual deed for the property to verify the property line. In this area the banks of the drain are going to need to be sloped, so that the banks do not sluff down into the drain after the cleaning. Both sides of the drain would need tree clearing to provide area for the spoil piles and that rock spillways or cuts into the spoils will be done to allow the water to get into the drain.

Jim Davis from MDOT said that no additional work is required other than what is already planned. He still needs to look at the ROW plans so he can contact other entities to make sure there is no conflict.

Gladwin County Road Commission had gone through and replaced some culverts in the drain. At the time they did this, they were unaware that they were replacing culverts in a County Drain, so the drain was not cleared down to the hard pan before the culverts were installed.

Chairman Gregg asked Czerwinski to explain the work that would affect MDOT along M-18. Czerwinski explained that on Branch #4 along M-18 will be cleaned down to hard pan, a lot of sediment to be removed along the entire reach. All culverts (approximately 17 culverts) along this stretch will need to be removed and replaced with plastic pipe. These are the culverts replaced by Gladwin County Road Commission and they will be too short after all the sediment is removed. He is hoping that the metal culverts that are being removed can be used elsewhere in the project to save money. Davis indicated that he will look at the plans again to see if there is anything else that MDOT will require.

Czerwinski will be sending the sheets for the work being done in Gladwin County to EGLE for their approval of the work. He would like to take bids in November or December at the latest, but it is all dependent on EGLE and their approval.

Chairman Gregg called on Tonya Lewandowski of ECT to explain the grant eligible items. Czerwinski sent Lewandowski a spreadsheet to go through item by item and mark what is available for the grant. Lewandowski stated that everything besides the culverts or pipe was marked as eligible. Lewandowski said that was correct, that to have NRCS cover the culverts, they have to meet their design criteria. Which would drive up the price and a redesign of the project. Czerwinski and Lewandowski came to an agreement that it would not be worth the cost to redesign the project to meet NRCS requirements.

Lewandowski shared her screen that showed what size/type of culverts would be accepted by the NRCS to be grant eligible. Lewandowski also mentioned that the Midland County Road Commission has committed \$185,000.00 toward the project. Chairman Gregg asked Lewandowski to explain the cash flow of the grant. RCPP funding mechanisms, financial assistance (ECT, NRCS, Spicer, and other desktop work), land treatment, agricultural practices, construction and maintenance of the project. 1:1 overall match in the combined projects. You are eligible on every dollar you spend on construction or engineering. There are some critical dates to be aware of, any engineering or technical activities paid for from July 2021 to date can be used for match. (Take amount paid as match and the construction costs, then split down the middle) and then you can see how much you have spent toward the match and what is remaining to be paid for the match. Reimbursements happen as soon as you have a Supplement Agreement Contract with NRCS. To get to that point you have to have the approval to go ahead with the project, Dwayne (NRCS) will conduct a cultural resources review. Dwayne did not think there were going to be any issues, since this is an area that is populated. Once he does this and NRCS sends a CPA52, which will give us the Supplemental Agreement Contract we can start submitting for reimbursement. The next step would be to have a meeting to determine what has to be done next and set up a schedule to get it done.

PPA – Partner match was signed in July 2021

SAC – Project specific reimbursement (must have cultural resources review done first).

Chairman Gregg asked if there are any other documents that Lewandowski would need to get things moving. Lewandowski said any paperwork that approved the project to move forward will be needed. Lewandowski would also like to get a list of the expenses to date.

Chairman Gregg asked Lewandowski for some dates for a meeting to go over what all is needed from the group for NRCS and to also do the walk through with Dwayne. She will put something together after the meeting and send to the group to go over prior to our next meeting.

Sova made a motion to direct the Chairman to forward the Order of Necessity to Lewandowski. Zeestraten seconded the motion.

Motion carried.

Czerwinski went over the Scope of Professional Services, what it entails and not to exceed the cost of \$90,000.00. Final Design, Bid Letting, and Construction Admin & Staking activities are not included.

Sova made a motion to direct the Chairman to sign Spicer's Scope of Professional Services in the approximate amount of \$90,000.00. Zeestraten seconded the motion.

Motion carried.

Sova presented the resolution from the County that increased our revolving fund by \$800,000.00, to be used for the Curtice ICD and any other drains to get us through to borrowing.

Chairman Gregg presented the financial report. Current balance is (\$145,343.23). Sova made a motion to accept and file the Treasurers report, seconded by Zeestraten.

Motion carried.

Chairman Gregg presented invoices from Fahey Schultz #3872, 4580, 5244 in the amount of \$6,380.73, an invoice from the Midland Daily News for publication of the Hearing of Necessity in the amount of \$272.00, and Spicer Invoice #214911 in the amount of \$11,150.00. Sova made a motion to pay the invoices, seconded by Zeestraten.

Motion carried.

Drain Orders were circulated for signatures.

There was no public comment.

Date of next meeting was scheduled for Tuesday, September 27, 2022 at 10:00 a.m. at Midland County Drain Commission.

Sova made a motion to adjourn, seconded by Zeestraten. Meeting adjourned at 3:59 p.m.

Respectfully submitted,

Joseph J. Sova
Midland County Drain Commissioner